



AIA

AIA Government Affairs

**Good Samaritan**

**State Statute Compendium**

## **Introduction:**

A number of jurisdictions have adopted Good Samaritan laws intended to provide at least some protection to licensed architects against liability for voluntary services provided during a government-declared disaster, whether man-made or natural. State or local governments may not have the resources to respond adequately to the challenges that confront them. Architects are often willing to volunteer their time and services if asked by government agencies to help ensure the preservation of a community's health, safety, and welfare.

Statutes throughout the country can differ widely in scope, dependent on a broad range of issues. This compendium is meant to offer excerpts from such statutes in order to compare the similarities and differences that exist on this issue throughout the country.<sup>1</sup>

## **Advantages of Good Samaritan Laws:**

State legislatures throughout the country, by passing Good Samaritan laws, express a willingness to protect architects from unnecessary liability claims that may arise from voluntary work during emergencies. Architects who choose to assist communities during emergencies should not have to be concerned about possible liability issues. Architects are more than willing to volunteer their time in order to help communities rebuild after disasters, however, without Good Samaritan statutes in place architects must rightly be concerned for their liability on related projects.

During such situations, a licensed architect may be exposed to questions of liability even though he or she is acting in good faith to preserve the safety of a community. While most states have statutes that cover certain volunteers from liability during an emergency situation, it is questionable if these statutes would shield an architect from liability if he or she is called upon to render professional services in a time of crisis. This ambiguity needs to be removed by passing Good Samaritan legislation.

Many states have extended immunity from liability to doctors and various other professionals who are needed during a crisis. Immunity from liability allows these professions to volunteer more readily and gives the public access to crucial services during major disasters. Similarly, a number of states have recognized the importance of giving licensed architects immunity during a disaster. For the public good it is important that other states follow suit and pass Good Samaritan laws for architects.

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<sup>1</sup> Please note: While every effort has been made to find statutes which cover Good Samaritan laws for a particular state, this list is not all inclusive. This compendium is an ongoing project which is expected to grow over time. There exists the possibility that a state may have authorized Good Samaritan laws through administrative, regulatory, or some other action. The statutes cited here are also subject to judicial interpretation, and may need to be reviewed in light of relevant court opinions. In addition, statutes may change from time to time because of legislative action. This compendium is for reference only and in no way is expected to take the form of legal advice. For that reason, please contact the state or your attorney directly if there is a question on a state's authority to use Good Samaritan laws. Further, the statutes listed herein were culled from the official websites for each state. As such, the formatting and display of the statute will differ widely.

# MODEL GOOD SAMARITAN STATUTE

1. As used in this Section:
  - a. “Professional Engineer” shall mean a person duly licensed under the state engineering licensure law as a professional engineer;
  - b. “Registered Architect” shall mean a person duly licensed under state architectural licensure laws as a registered architect;
  - c. “Public Official” means any federal, state, or locally elected official with executive responsibility in the jurisdiction in which the emergency or event has occurred;
  - d. “Public Safety Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred;
  - e. “Law Enforcement Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred; and,
  - f. “Building Inspection Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.
2. A registered architect or professional engineer who voluntarily, without compensation (other than expense reimbursement), provides architectural, structural, electrical, mechanical, or other design professional services related to a declared national, state, or local emergency caused by an earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event, at the request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the registered architect or professional engineer to be acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other loss of any nature related to the registered architect’s or professional engineer’s acts, errors, or omissions in the performance of any architectural or engineering services for any structure, building, facility, project utility, equipment, machine, process, piping, or other system, either publicly or privately owned.
  - a. The immunity provided in this Section shall apply only to a voluntary architectural or engineering service(s) that occurs during the emergency or within 90 days following the end of the period for an emergency, disaster, or catastrophic event, unless extended by an executive order issued by the Governor under the Governor’s emergency executive powers.
  - b. Nothing in this Section shall provide immunity for wanton, willful, or intentional misconduct.



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## Alabama

### 6-5-332

(f) Any licensed engineer, licensed architect, licensed surveyor, licensed contractor, licensed subcontractor, or other individual working under the direct supervision of the licensed individual who participates in emergency response activities under the direction of, or in connection with, a community emergency response team, county emergency management agency, state emergency management agency, or Federal Emergency Management Agency shall not be liable for any civil damages as a result of any acts, services, or omissions provided without compensation, in such capacity if the individual acts as a reasonably prudent person would have acted under the same or similar circumstances. The immunity provided in this subsection shall apply to any acts, services, or omissions provided within 30 days after declaration of the emergency.



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## **Alaska**

There are no statutes on file for this state



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# Arizona

### **32-110** Immunity from personal liability

Members, agents and employees of the board, members of advisory committees and statutorily established committees of the board and registrants volunteering professional services to emergency services personnel at the scene of a disaster as part of an authorized board program are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.



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## **Arkansas**

There are no statutes on file for this state



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# California<sup>2</sup>

### 5536.27

(a) An architect who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake, flood, riot, or fire at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the architect's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

The immunity provided by this section shall apply only for an inspection that occurs within 30 days of the declared emergency.

Nothing in this section shall provide immunity for gross negligence or willful misconduct.

(b) As used in this section:

(1) "Architect" has the meaning given by Section 5500.

(2) "Public safety officer" has the meaning given in Section 3301 of the Government Code.

(3) "Public official" means a state or local elected officer.

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<sup>2</sup> The California Office of Emergency Services has formed a Safety Assessment Program to train and register licensed architects, engineers, and building officials to conduct post-disaster damage assessments. Any architect interested in volunteering after a disaster is strongly encouraged to complete the SAP Building Evaluator course to enhance their protection from liability.



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# Colorado

**13-21-108.3** Architects and professional engineers rendering assistance during emergency or disaster - qualified immunity from civil liability.

(1) An architect licensed pursuant to article 4 of title 12, C.R.S., or a professional engineer licensed pursuant to article 25 of title 12, C.R.S., who voluntarily and without compensation provides architectural or engineering services, respectively, at the scene of an emergency shall not be liable for any personal injury, wrongful death, property damage, or other loss caused by an act or omission of such architect or engineer in performing such services.

(2) As used in this section, "emergency" means a disaster emergency declared by executive order or proclamation of the governor pursuant to section 24-32-2104 (4), C.R.S.

(3) The immunity provided in subsection (1) of this section applies only to an architectural or engineering service that:

- (a) Concerns an identified building, structure, or other architectural or engineering system, whether publicly or privately owned;
- (b) Relates to the structural integrity of the building, structure, or system or to a nonstructural element thereof affecting life safety; and
- (c) Is rendered during the time in which a state of disaster emergency exists, as provided in section 24-32-2104 (4), C.R.S.

(4) Nothing in this section shall provide immunity for gross negligence or willful misconduct.



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# Connecticut

**Sec. 28-13** Immunity from liability.

(a) Neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, the agents or representatives of the state or any political subdivision thereof nor any member of the civil preparedness forces of the state nor any person authorized by such civil preparedness forces or by any member of such civil preparedness forces complying with or attempting to comply with this chapter or any order or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state nor any person employed by or authorized to assist any agency of the federal government in the prevention or mitigation of any major disaster or emergency, shall be liable for the death of or injury to persons or for damage to property as a result of any such activity. The Attorney General shall appear for and defend the state, any political subdivision of the state and the agents or representatives of the state or any political subdivision thereof or any member of the civil preparedness forces of the state or any other person exempted from liability for his acts under this section in any civil action brought for the death of or injury to persons or for damage to property as a result of any civil preparedness activity.

(b) Any person, corporation, partnership or association who denies access to property owned or under the control of such entity to any person acting in accordance with this chapter during a civil preparedness emergency, shall be fined not less than fifty dollars nor more than five hundred dollars.



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# Delaware

### § 3129 Immunity from civil liability.

Neither the State, nor any county in the State, nor any municipal corporation of the State, nor any other political subdivision of the State, nor any agency of any of them, nor the agents, employees or representatives of any of them engaged in emergency or disaster relief operations and activities in connection with any emergency or disaster pursuant to this chapter, nor any person, firm, corporation or other entity performing work and/or furnishing material pursuant to a contract (oral or written) with the State or with any county in the State, or with any municipal corporation of the State, or with any other political subdivision of the State or with any agency of any of them, entered into as a result of the declaration by the Governor of an emergency order or entered into as a part of efforts to comply with this chapter, shall be liable for the death of or any injury to persons, or damage to property, as a result of such relief operations and activities and/or the performance of or attempts to perform such contract, unless such death, injury or damage was intentional on the part of, or was caused by the willful or wanton disregard of the rights of others by the State, or by the county, or by the municipal corporation, or by the other political subdivision, as the case may be, or by any agency of any of them, or by the agents, employees or representatives of any of them or by such person, firm, corporation or other entity engaged in such emergency or disaster relief operations and activities and/or the performance and attempted performance of such contract, as the case may be. These provisions shall not affect the right of any person to receive statutory benefits to which he/she would otherwise be entitled in the absence of this section or under the Workers' Compensation Act (Chapter 23 of Title 19) or under any pension law, or the right of any such person to receive any benefits or compensation under any act of Congress. (59 Del. Laws, c. 506, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 207, § 1.)



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# Florida

**768.1345** Professional malpractice; immunity.

No person shall have a claim for professional malpractice against a licensed professional who provides services for which no compensation is sought or received to such person during the period of a declared emergency if the professional services arose out of the emergency and if the professional acted as an ordinary reasonably prudent member of the profession would have acted under the same or similar circumstances.

History.--s. 32, ch. 93-211.



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# Georgia

### **51-1-29.2**

Any natural person who voluntarily and without the expectation or receipt of compensation provides services during a time of emergency and in a place of emergency as declared by the Governor for the benefit of any individual to prevent, minimize, and repair injury and damage to property resulting from catastrophic acts of nature, including fire, flood, earthquake, wind, storm, or wave action, shall not be liable to any individual receiving such assistance as a result of any act or omission in rendering such service if such person was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such person.



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## **Hawaii**

There are no statutes on file for this state



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## **Idaho**

There are no statutes on file for this state



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## Illinois

Sec. 72. Professional engineers, architects, land surveyors, and structural engineers; exemption from civil liability for professional services in response to disasters or catastrophic events. Any professional engineer, architect, land surveyor, or structural engineer who in good faith, without fee, provides professional services in response to a disaster or other catastrophic event shall not be liable for civil damages as a result of his or her acts or omissions in providing the professional services, except for willful and wanton misconduct. This immunity applies to services that are provided without fee during or within 60 days following the end of a disaster or catastrophic event.  
(Source: P.A. 94- 290, eff. 1- 1- 06.)

### **20 ILCS 3305/15**

Sec. 15. Immunity. Neither the State, any political subdivision of the State, nor, except in cases of gross negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency services and disaster agencies that are not in compliance with Section 10 of this Act, notwithstanding provisions of any other laws. This Section does not, however, affect the right of any person to receive benefits to which he or she would otherwise be entitled under this Act under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

(Source: P.A. 92-73, eff. 1-1-02.)

Sec. 16. Professions, Trades and Occupations. If such disaster as is described in Section 4 occurs in this State and the services of persons who are competent to practice any profession, trade or occupation are required in this State to cope with the disaster and it appears that the number of persons licensed or registered in this State to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of a mobile support team or unit of another state rendering aid in this State pursuant to the order of the Governor of their home state and upon the request of the Governor of this State, or if otherwise requested so to do by the Governor or the Director of this State, during the time the disaster continues, practice such profession, trade or occupation in this State without being licensed or registered in this State.  
(Source: P.A. 85-1027.)

Sec. 21. No Private Liability.

(a) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a exercise together with his or her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(b) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the State, or any political subdivision of the State under the provisions of this Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(c) Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the State, or any political subdivision of the State under this Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

The immunities provided in this subsection (c) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

(Source: P.A. 92-73, eff. 1-1-02.)



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## **Indiana**

There are no statutes on file for this state



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## **Iowa**

There are no statutes on file for this state



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# Kansas

**60-4201** Architects and engineers; immunity from liability in certain circumstances.

(a) An architect, defined and licensed under K.S.A. 74-7003 et seq. and amendments thereto, or professional engineer, defined and licensed under K.S.A. 74-7003 et seq. and amendments thereto, who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state or local emergency caused by a tornado, flood or other natural disaster at the request of a public official, public safety officer or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury or property damage caused by the architect's or engineer's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

(b) The immunity provided by this section shall apply only for an inspection that occurs within 90 days of the disaster. Nothing in this section shall provide immunity for gross negligence or willful misconduct.

History: L. 1994, ch. 167, S. 1; July 1.



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## Kentucky

**39A.280** Nature of disaster and emergency response functions provided by state or local management agency -- Immunity, exceptions.

(1) Disaster and emergency response functions provided by a state or local emergency management agency, or any emergency management agency supervised

operating units or personnel officially affiliated with a local disaster and emergency services organization pursuant to KRS 39B.070, shall not, in itself, be deemed to be the making of a promise, or the undertaking of a special duty, towards any person for the services, or any particular level of, or manner of providing, the services; nor shall the provision of or failure to provide these services be deemed to create a special relationship or duty towards any person upon which an action in negligence or other tort might be founded. Specifically:

(a) The failure to respond to a disaster or other emergency, or to undertake particular inspections or types of inspections, or to maintain any particular level of personnel, equipment, or facilities, shall not be a breach of any duty to persons affected by any disaster or other emergency.

(b) When a state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, does undertake to respond to a disaster or other emergency, the failure to provide the same level or manner of service, or equivalent availability or allocation of resources as may or could be provided, shall not be a breach of any duty to persons affected by that disaster or other emergency.

(c) A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization shall not have or assume any duty towards any person to adopt, use, or avoid any particular strategy or tactic in responding to a disaster or other emergency.

(d) A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, in undertaking disaster and emergency preparedness or prevention activities including inspections, or in undertaking to respond to a disaster or other emergency, shall not have voluntarily assumed any special duty with respect to any risks which were not created or caused by it, nor with respect to any risks which might have existed even in the absence of that activity or response, nor shall any person have a right to rely on such an assumption of duty.

(2) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any of its political subdivisions, shall be liable for

personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management agency member, or disaster and emergency services member, or disaster and emergency response worker, or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection. This immunity shall not affect the right of any person to receive benefits or compensation to which the person might otherwise be entitled under the Workers' Compensation Law, or this chapter, or any pension law, or any Act of Congress.

(3) Subject to subsection (6) of this section, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any of its political divisions, nor any volunteer or auxiliary emergency management agency or disaster and emergency services organization member or disaster and emergency response worker or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity, complying with or reasonably attempting to comply with this chapter or any order or administrative regulation promulgated pursuant to the provisions of this chapter, or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of that activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.

(4) Decisions of the director, his subordinates or employees, a local emergency management director, or the local director's subordinates or employees, a rescue chief or the chief's subordinates, concerning the allocation and assignment of personnel and equipment, and the strategies and tactics used, shall be the exercise of a discretionary, policy function for which neither the officer nor the state, county, urban-county, charter county, or city, or local emergency management agency supervised operating unit formally affiliated with a local disaster and emergency services organization, shall be held liable in the absence of malice or bad faith, even when those decisions are made rapidly in response to the exigencies of an emergency.

(5) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part of the real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster or emergency, together with his or her successors in interest, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about the real estate or premises for loss of, or damage to, the property of that person. The immunity provided by this subsection shall not apply to the extent that

the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance, sovereign

immunity shall not be claimed with regard to an act or omission covered by this subsection.

(6) Subsection (3) of this section shall apply to a volunteer or auxiliary disaster and emergency response worker only if the volunteer or worker is enrolled or registered with a local disaster and emergency services organization or with the division in accordance with the division's administrative regulations.

(7) While engaged in disaster and emergency response activity, volunteers and auxiliary disaster and emergency response workers enrolled or registered with a local disaster and emergency service organization or with the division in accordance with subsection (6) of this section shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work, including the provisions of KRS

12.211, 12.212, and 12.215, allowing the Attorney General to provide defense of any civil action brought against a volunteer enrolled or registered with a local disaster or emergency service organization or with the division due to an act or omission made in the scope and course of a disaster and emergency response activity.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 488, sec. 2, effective July 15, 1998, superseding

1998 Ky. Acts ch. 226, sec. 24, effective July 15, 1998.



# AIA Government Affairs Good Samaritan State Statute Compendium

## Louisiana

**RS 37§1736** Immunity from liability for architects, engineers, and land surveyors

A. As used in this Section, the following terms shall have the following meanings:

- (1) "Architect" means a person registered and licensed pursuant to the provisions of R.S. 37:141 et seq.
- (2) "Building inspection official" means any federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.
- (3) "Law enforcement official" means any federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.
- (4) "Professional engineer" means a person licensed under the provisions of Chapter 8 of this Title, as defined in R.S. 37:682.
- (5) "Professional land surveyor" means a person licensed under the provisions of Chapter 8 of this Title, as defined in R.S. 37:682.
- (6) "Public official" means any federal, state, or local official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.
- (7) "Public safety official" means any federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

B. An architect, a professional engineer, or professional land surveyor who voluntarily, without compensation, provides architectural, structural, electrical, mechanical or other engineering services, or land surveying services related to a declared federal, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, flood, or other similar disaster or catastrophic event at the request of or with the approval of a federal, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other loss related to the architect's, professional engineer's, or professional land surveyor's acts, errors, or omissions in the performance of any architectural, engineering, or land surveying services for any structure, building, piping, or other engineered system, either publicly or privately owned.

C. The immunity provided in this Section shall apply only to voluntary architectural, engineering, or land surveying services that occur during the emergency.

D. Nothing in this Section shall provide immunity for gross negligence for wanton, willful, or intentional misconduct.

Acts 1997, No. 1062, §1; Acts 2003, No. 279, §5.



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## **Maine**

There are no statutes on file for this state



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## Maryland

### § 5-426 Immunity for voluntary practice of architecture at scene of emergency

#### (a) *Definitions.*-

(1) In this section the following words have the meanings indicated.

(2) "Building inspection official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(3) "Fire official" means any appointed or elected local official with overall executive responsibility to coordinate fire, rescue, or emergency medical services in the jurisdiction in which a fire, emergency, disaster, or catastrophic event has occurred.

(4) "Law enforcement official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(5) "Public official" means any federal, State, or locally elected official with overall executive responsibility in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(6) "Public safety official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(b) A licensed architect is not personally liable in damages beyond the limits of any applicable insurance or self-insurance for any personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission of the licensed architect while practicing architecture with regard to any structure or other architectural design, either publicly or privately owned, if:

(1) The act, error, or omission was not wanton, willful, intentionally tortious, or grossly negligent; and

(2) The practice of architecture was performed:

(i) Voluntarily and without compensation;

(ii) At the scene of a declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event; and

(iii) At the request of a public official, law enforcement official, public safety official, fire official, or building inspection official, acting in an official capacity.

(c) The immunity provided by this section applies only to the voluntary practice of architecture performed while a declared state of emergency is in effect.

#### (d) *Restrictions.*-

(1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a licensed architect.

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provisions of the Code or available at common law, to which a licensed architect may be entitled.



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## **Massachusetts**

There are no statutes on file for this state



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# Michigan

**30.411** Powers and duties of personnel of disaster relief forces; liability for personal injury or property damage; right to benefits or compensation; disaster relief workers; immunity; additional authority of dentists, veterinarians, nurses, or paramedics; liability and legal obligation of persons owning or controlling real estate or other premises used for shelter.

Sec. 11.

(1) Personnel of disaster relief forces while on duty are subject to all of the following provisions:

(a) If they are an employee of this state, they have the powers, duties, rights, privileges, and immunities of and receive the compensation incidental to their employment.

(b) If they are employees of a political subdivision of this state, regardless of where serving, they have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

(c) If they are not employees of this state or a political subdivision of this state, they are entitled to the same rights and immunities as provided by law for the employees of this state. All personnel of disaster relief forces shall, while on duty, be subject to the operational control of the authority in charge of disaster relief activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

(2) This state, any political subdivision of this state, or the employees, agents, or representatives of this state or any political subdivision of this state are not liable for personal injury or property damage sustained by any person appointed or acting as a member of disaster relief forces. This act shall not affect the right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, any pension law, or any act of congress.

(3) This state or a political subdivision of this state engaged in disaster relief activity is not liable for the death of or injury to a person or persons, or for damage to property, as a result of that activity. The employees, agents, or representatives of this state or a political subdivision of this state and nongovernmental disaster relief force workers or private or volunteer personnel engaged in disaster relief activity are immune from tort liability to the extent provided under section 7 of 1964 PA 170, MCL 691.1407. As used in this section, "disaster relief activity" includes training for or responding to an actual, impending, mock, or practice disaster or emergency.

(4) A person licensed to practice medicine or osteopathic medicine and surgery, or a licensed hospital, registered nurse, practical nurse, dentist, veterinarian, or paramedical person, whether licensed in this or another state or by the federal government or a branch of the armed forces of the United States, or a student nurse undergoing training in a licensed hospital in this or another state, that

renders services during a state of disaster declared by the governor and at the express or implied request of a state official or agency or county or local coordinator or executive body, is considered an authorized disaster relief worker or facility and is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained. The immunity granted by this subsection does not apply in the event of a willful act or omission. If a civil action for malpractice is filed alleging a willful act or omission resulting in injuries, the services rendered that resulted in those injuries shall be judged according to the standards required of persons licensed in this state to perform those services.

(5) A licensed dentist, veterinarian, registered nurse, practical nurse, or licensed paramedical person, whether licensed in this or another state or by the federal government or a branch of the armed forces of the United States, or a student nurse undergoing training in a licensed hospital in this or another state, during a state of disaster declared by the governor, may practice, in addition to the authority granted by other statutes of this state, the administration of anesthetics; minor surgery; intravenous, subcutaneous, or intramuscular procedure; or oral and topical medication; or a combination of these under the supervision of a member of the medical staff of a licensed hospital of this state, and may assist the staff member in other medical and surgical proceedings.

(6) A person owning or controlling real estate or other premises who voluntarily and without compensation grants to this state or a political subdivision of this state a license or privilege, or otherwise permits this state or a political subdivision of this state to inspect, designate, and use the whole or any part or parts of the real estate or other premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster, together with his or her successors in interest, if any, is not civilly liable for negligently causing the death of or injury to any person on or about the real estate or premises under the license, privilege, or permission or for loss or damage to the property of the person.

(7) A person owning or controlling real estate or other premises who has gratuitously granted the use of the real estate or other premises for the purposes stated in this section is legally obligated to make known to the licensee any hidden dangers or safety hazards that are known to the owner or occupant of the real estate or premises that might possibly result in the death or injury or loss of property to a person using the real estate or premises.

History: 1976, Act 390, Imd. Eff. Dec. 30, 1976 ;--Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990 ;--Am. 2002, Act 132, Eff. May 1, 2002 .

Admin Rule: R 30.1 et seq. of the Michigan Administrative Code.



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## **Minnesota**

There are no statutes on file for this state



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## **Mississippi**

There are no statutes on file for this state



## AIA Government Affairs Good Samaritan State Statute Compendium

# Missouri

**44.023** Disaster volunteer program established, agency's duties--expenses--immunity from liability, exception.

1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of a disaster whereby volunteer architects and professional engineers registered under chapter 327, RSMo, and construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to three days as requested and needed by the state emergency management agency.

2. In the event of a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether buildings affected by a disaster:

- (1) Have not sustained serious damage and may be occupied;
- (2) Must be vacated temporarily pending repairs; or
- (3) Must be demolished in order to avoid hazards to occupants or other persons.

3. Any person when utilized as a volunteer under the emergency volunteer program shall have his incidental expenses paid by the local jurisdiction for which the volunteer service is provided.

4. Architects and professional engineers, construction contractors, equipment dealers and other owners and operators of construction equipment and the companies with which they are employed, working under the emergency volunteer program, shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

5. Any individuals, employers, partnerships, corporations or proprietorships, that are working under the emergency volunteer program providing demolition, cleanup, removal or other related services, shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

(L. 1991 S.B. 265 § I, A.L. 2002 S.B. 712)



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## **Montana**

There are no statutes on file for this state



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## **Nebraska**

There are no statutes on file for this state



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## **Nevada**

There are no statutes on file for this state



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## **New Hampshire**

There are no statutes on file for this state



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## **New Jersey**

There are no statutes on file for this state



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## **New Mexico**

There are no statutes on file for this state



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## **New York**

There are no statutes on file for this state



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# North Carolina

**§ 83A-13.1** Architect who volunteers during an emergency or disaster; qualified immunity.

(a) A professional architect who voluntarily, without compensation, provides structural, electrical, mechanical, or other architectural services at the scene of a declared disaster or emergency, declared under federal law or in accordance with the provisions of Article 1 of Chapter 166A of the General Statutes or Article 36A of Chapter 14 of the General Statutes, at the request of a public official, law enforcement official, public safety official, or building inspection official, acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other loss caused by the professional architect's acts or omissions in the performance of the architectural services.

(b) The immunity provided in subsection (a) of this section applies only to an architectural service:

(1) For any structure, building, piping, or other architectural system, either publicly or privately owned.

(2) That occurs within 45 days after the declaration of the emergency or disaster, unless the 45-day immunity period is extended by an executive order issued by the Governor under the Governor's emergency executive powers.

(c) The immunity provided in subsection (a) of this section does not apply if it is determined that the personal injury, wrongful death, property damage, or other loss was caused by the gross negligence, wanton conduct, or intentional wrongdoing of the professional architect or arose out of the operation of a motor vehicle.

(d) As used in this section:

(1) "Building inspection official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or disaster is declared.

(2) "Law enforcement official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or disaster is declared.

(3) "Public official" means any federal, State, or locally elected official with overall executive responsibility in the jurisdiction in which the emergency or disaster is declared.

(4) "Public safety official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or disaster is declared.

(1995, c. 416, s. 2.)



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## North Dakota

### **32-03-47** Definitions - Voluntary engineering services - Immunity.

1. As used in this section:

- a. "Architect" means a person registered under chapter 43-03 as an architect.
- b. "Building inspection official" means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.
- c. "Law enforcement official" means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.
- d. "Professional engineer" means a person licensed under chapter 43-19.1 as a professional engineer.
- e. "Public official" means any federal, state, or locally elected official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.
- f. "Public safety official" means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

2. An architect or a professional engineer who voluntarily, without compensation, provides architectural or structural, electrical, mechanical, or other engineering services at the scene of a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event at the request of a national, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the architect's or professional engineer's acts, errors, or omissions in the performance of any engineering services for any structure, building, piping, or other engineered system, either publicly or privately owned.

3. The immunity provided in this section applies only to a voluntary engineering service that occurs within ninety days of the emergency, disaster, or catastrophic event, unless extended by the governor under chapter 37-17.1.

4. Nothing in this section provides immunity for wanton, willful, or intentional misconduct.



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## **Ohio**

There are no statutes on file for this state



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## **Oklahoma**

There are no statutes on file for this state



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## Oregon

**30.788** Liability of architect, engineer, inspector or building evaluator for emergency relief services.

(1) An action for damages arising out of the practice of architecture, as defined in ORS 671.010, may not be maintained by any person against an architect for services rendered by the architect under the provisions of this section.

(2) An action for damages arising out of the practice of engineering, as described in ORS 672.007, may not be maintained by any person against an engineer for structural engineering services rendered by the engineer under the provisions of this section.

(3) An action for damages arising out of the provision of building code inspections, plan reviews or post-disaster building evaluations may not be maintained by any person against a certified inspector or certified building evaluator if the inspector or building evaluator is providing building code inspections, plan reviews or post-disaster building evaluations under the provisions of this section and the inspector or building evaluator is operating within the scope of the certification.

(4) The immunity provided by this section applies only to services that meet all of the following requirements:

(a) The services are rendered without compensation.

(b) The services are rendered within 60 days after the Governor declares a state of emergency under the provisions of ORS 401.055.

(c) The services are rendered to assist in relief efforts arising out of the emergency giving rise to the declaration of emergency.

(5) This section does not affect the liability of any architect, engineer, inspector or building evaluator for gross negligence or intentional torts.

(6) The immunity provided by this section applies only to:

(a) Inspectors certified under ORS 455.715 to 455.740;

(b) Building evaluators certified for post-disaster building evaluation by the Department of Consumer and Business Services;

(c) Architects who are licensed under ORS 671.010 to 671.220;

(d) Engineers who are licensed under ORS 672.002 to 672.325; and

(e) Architects and engineers who are licensed under the laws of another state. [1995 c.616 s.1]



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# Pennsylvania

### **Section 8332.4** Volunteer-in-public-service negligence standard.

(a) - General rule. -- Services covered.

(1) Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders public services for a nonprofit organization under section 501(c)(3) or (4), (4) or (6) of the Internal Revenue Code of 1986 (68A Stat. 3, 26 U.S.C. Section 501(c)(3) or (4), (4) or (6) ) or for a Commonwealth or local government agency conducting or sponsoring a public service program or project shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such person did an act or omitted the doing of an act which such person was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person fell below ordinary standards of care.

(2) Except as provided otherwise in this section, no design professional who, without compensation and as a volunteer, provides PROFESSIONAL services related to a declared national, State or local emergency caused by a major earthquake, hurricane, tornado, explosion, collapse or other similar disaster or catastrophic event at the request of or with the approval of a Federal, State or local public official, law enforcement official, public safety official or building inspection official acting in an official capacity shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such design professional falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such PROFESSIONAL services and unless it is shown that such design professional did an act or omitted the doing of an act which such design professional was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such design professional fell below ordinary standards of care.

(b) EXCEPTIONS.--

(1) Nothing in this section shall be construed as affecting or modifying the liability of such person for acts or omissions relating to the transportation of participants in a public service program or project or others to or from a public service program or project.

(2) Nothing in this section shall be construed as affecting or

modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of negligence established by this section.

(c) ASSUMPTION OF RISK OR CONTRIBUTORY FAULT.-- Nothing in this section shall be construed as affecting or modifying the doctrine of assumption of risk or contributory fault on the part of the participant.

(d) CONSTRUCTION.-- The negligence standard created by this section shall not be deemed to abrogate or lessen any immunity or other protection against liability granted by statute or court decision.

(e) DEFINITIONS.-- As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Compensation." The term shall not include reimbursement for reasonable expenses actually incurred or to be incurred.

"Design professional." An individual licensed by the Commonwealth of Pennsylvania as an architect, geologist, land surveyor, landscape architect or professional engineer.

"Public service program or project." An organized program, or other public service ordinarily conducted or rendered by volunteers.

**HISTORY:** Act 2001-81 (H.B. 910), § 1, approved Oct. 30, 2001, eff. in 60 days.



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# Rhode Island

### **§ 5-1-16 Architects rendering assistance during disaster emergency – Immunity from civil liability.**

(a) An architect or architectural firm, duly licensed to practice in Rhode Island under this chapter, who voluntarily and without compensation provides architectural services at the scene of a disaster emergency is not liable for any personal injury, wrongful death, property damage, or other loss or damages caused by an act or omission of the architect or architectural firm in performing the services.

(b) As used in this section, "disaster emergency" means a disaster emergency declared by executive order or proclamation of the governor pursuant to chapter 15 of title 30.

(c) The immunity provided in subsection (a) of this section applies only to the practice of architecture as defined in this chapter regarding an architectural service that:

(1) Concerns any building, structure, or system, whether publicly or privately owned that is identified pursuant to a disaster emergency executive order or proclamation;

(2) Relates to the structural integrity of the entire building, structure, or system or any portion of the structure or system, or to a nonstructural element of the structure or system, affecting public safety; and

(3) Is rendered during the time in which a state of disaster emergency exists, as provided in chapter 15 of title 30.

(d) The immunity granted by this section shall not apply to acts or omissions constituting gross negligence or willful misconduct.



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# South Carolina

### SECTION 40-22-295. Engineer immunity.

(A) A licensed engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services at the scene of a declared national or state emergency, at the request of the Governor, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer's acts, errors, or omissions in performing the engineering services for a structure, building, piping, or other engineered system, either publicly or privately owned. Immunity from liability under this section is only effective as to services rendered during the thirty days following the event that gave rise to the declared state of emergency.

(B)(1) Any licensed engineer appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested engineering services unless the damages result from providing, or failing to provide engineering services if the consequences of the services provided are proven by a preponderance of the evidence to be the result of gross negligence or recklessness.

(2) This section applies if the engineer does not receive payment other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the engineer is an employee of the State, the engineer may continue to receive compensation from his employer.

(C) This section does not provide immunity from liability to persons providing services pursuant to Section 40-22-75.

### SECTION 40-3-325. Architect immunity.

A licensed architect under the provisions of this chapter is immune from liability for volunteer architectural services provided during an emergency in the same manner as a licensed engineer is immune for volunteer engineering services as provided in Section 40-22-295. This section does not provide immunity from liability for persons merely registered in this State pursuant to Section 40-3-260

HISTORY: 2012 Act No. 280, Section 3, eff June 26, 2012.



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## **South Dakota**

There are no statutes on file for this state



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# Tennessee

**62-2-109. Voluntary inspection services by architects or engineers at scene of a natural or man-made emergency -- Limitation of liability -- Applicability and scope of limitation.**

**(a)** An architect or engineer who voluntarily, without compensation or expectation of compensation, provides structural or building systems inspection services at the scene of a declared national, state or local natural or man-made emergency at the request of a public safety officer or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury or property damage caused by the architect's or engineer's good faith, but negligent, inspection of a structure used for human habitation or a structure owned by a public entity, for structural integrity or nonstructural elements affecting life and safety. The immunity provided by this section shall apply only for an inspection that occurs within ninety (90) days of the declared national, state or local natural or man-made emergency.

**(b)** Nothing in this section shall be construed to provide immunity for gross negligence or willful misconduct.

**(c)** As used in this section, "public safety officer" means:

**(1)** The chief law enforcement officer in a county or city;

**(2)** A law enforcement officer acting at the specific direction of the chief law enforcement officer; or

**(3)** The director or the director's assistants of the emergency management agency designated in accordance with § 58-2-104.

**(d)** Nothing in this section shall be construed as extending immunity to a city or county for whom inspection services are provided as described in this section.



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# Texas

Sec. 150.003. LIABILITY FOR SERVICES RENDERED DURING DISASTER. (a) This section applies only to a licensed or registered professional who provides architectural or engineering services if the services:

- (1) are authorized, as appropriate for the professional, in:
  - (A) Chapter 1001, Occupations Code;
  - (B) Chapter 1051, Occupations Code;
  - (C) 22 T.A.C. Part 6 (Texas Board of Professional Engineers), Chapter 137 (Compliance and Professionalism); and
  - (D) 22 T.A.C. Part 1 (Texas Board of Architectural Examiners), Chapter 1 (Architects), Subchapter H (Professional Conduct);
- (2) subject to Subsection (d), are provided voluntarily and without compensation or the expectation of compensation;
- (3) are in response to and provided during the duration of a proclaimed state of emergency under Section 433.001, Government Code, or a declared state of disaster under Section 418.014, Government Code;
- (4) are provided at the request or with the approval of a federal, state, or local public official acting in an official capacity in response to the proclaimed state of emergency or declared disaster, including a law enforcement official, public safety official, or building inspection official; and
- (5) are related to a structure, building, roadway, piping, or other system, either publicly or privately owned.

(b) A licensed or registered professional who provides the services to which this section applies is not liable for civil damages, including personal injury, wrongful death, property damage, or other loss related to the professional's act, error, or omission in the performance of the services, unless the act, error, or omission constitutes:

- (1) gross negligence; or
- (2) wanton, wilful, or intentional misconduct.

(c) This section does not apply to a licensed or registered professional who is at the scene of the emergency to solicit business or perform a service for compensation on behalf of the professional or a person for whom the professional is an agent.

(d) The entitlement of a licensed or registered professional to receive compensation for services to which this section applies does not determine whether the services provided by the professional were provided voluntarily and without compensation or the expectation of compensation.

Added by Acts 2007, 80th Leg., R.S., Ch. 132, Sec. 1, eff. May 18, 2007.



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# Utah

**78-27-60** . Limited immunity for architects and engineers inspecting earthquake damage.

(1) A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, who provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake is not liable for any personal injury, wrongful death, or property damage caused by the good faith inspection for structural integrity or nonstructural elements affecting health and safety of a structure used for human habitation or owned by a public entity if the inspection is performed:

- (a) voluntarily, without compensation or the expectation of compensation;
- (b) at the request of a public official or city or county building inspector acting in an official capacity; and
- (c) within 30 days of the earthquake.

(2) The immunity provided for in Subsection (1) does not apply to gross negligence or willful misconduct.

Amended by Chapter 10, 1997 General Session



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## **Vermont**

There are no statutes on file for this state



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# Virginia

**§ 8.01-226.2** Civil immunity for licensed professional engineers and licensed architects participating in rescue or relief assistance  
Any licensed professional engineer or licensed architect who, in good faith and without charge or compensation, utilizes his professional skills in providing rescue or relief assistance at the scene of or in connection with a natural or manmade disaster or other life-threatening emergency, shall not be liable for any civil damages for acts or omissions on his part resulting from the rendering of such assistance or professional services in the absence of gross negligence or willful misconduct.



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# Washington

**RCW 38.52.195** Exemption from liability while providing construction, equipment or work.

Notwithstanding any other provision of law, no person, firm, corporation, or other entity acting under the direction or control of the proper authority to provide construction, equipment, or work as provided for in RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 while complying with or attempting to comply with RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 or any rule or regulation promulgated pursuant to the provisions of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 shall be liable for the death of or any injury to persons or damage to property as a result of any such activity: PROVIDED, That said exemption shall only apply where all of the following conditions occur:

- (1) Where, at the time of the incident the worker is performing services as an emergency worker, and is acting within the course of his duties as an emergency worker;
- (2) Where, at the time of the injury, loss, or damage, the organization for emergency management which the worker is assisting is an approved organization for emergency management;
- (3) Where the injury, loss, or damage is proximately caused by his service either with or without negligence as an emergency worker;
- (4) Where the injury, loss, or damage is not caused by the intoxication of the worker; and
- (5) Where the injury, loss, or damage is not due to willful misconduct or gross negligence on the part of a worker.

[1984 c 38 § 19; 1974 ex.s. c 171 § 22; 1971 ex.s. c 8 § 7.]



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## **West Virginia**

There are no statutes on file for this state



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## **Wisconsin**

There are no statutes on file for this state



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## **Wyoming**

There are no statutes on file for this state



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## **Washington, DC**

There are no statutes on file for this state